

## Message Text

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PAGE 01 STATE 044707  
ORIGIN EUR-12

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SCA-01 L-03 CPR-01 NSC-05 SSO-00 NSCE-00 /047 R

DRAFTED BY EUR;SOV;MLEVITSKY:REH  
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S/PRS - MR. BROWN  
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D/HA - MR. SPEAR  
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O 010223Z FAR 77  
FM SECSTATE WASHDC  
TO AMEMBASSY MOSCOW IMMEDIATE

C O N F I D E N T I A L STATE 044707

E.O. 11652: GDS

TAGS: SHUM, CSCE, PFOR, UR, US

SUBJECT: ARREST OF SOVIET CITIZENS IN FRONT OF US EMBASSY

REF: MOSCOW 2763

1. DEPARTMENT AGREES THAT EMBASSY SHOULD PROTEST ACTION  
AGAINST FAYN AND HIS COLLEAGUES. ASSUME EMBASSY, UNDER  
CIRCUMSTANCES, WILL WISH TO AVOID CLAIMING VISIT WAS ON  
CONSULAR BUSINESS. FOLLOWING POINTS CAN BE USED:

--WE CONSIDER ARREST OF TWO SOVIET CITIZENS WHILE IN THE  
COMPANY OF A US EMBASSY OFFICER IN FRONT OF US EMBASSY CRUDE  
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AND UNWARRANTED BEHAVIOR BY SOVIET MILITIA WHOSE DUTY THE  
MFA HAS TOLD US IS TO PROTECT EMBASSY NOT TO RESTRICT  
ACCESS TO IT.

--SOVIET CITIZENS HAD OPENLY ASKED TO COME IN TO TALK WITH  
EMBASSY OFFICER AND WE CONSIDER THIS COMPLETELY LEGITIMATE.

IN FACT, MR. FAYN HAD BEEN IN EMBASSY CONSULAR SECTION BEFORE.

--AS MFA IS AWARE, SOVIET EMBASSY IN WASHINGTON HAS ACCESS TO BROAD VARIETY OF AMERICAN CITIZENS AND WE SEE NO REASON WHY SAME SITUATION SHOULD NOT PERTAIN TO OUR EMBASSY IN MOSCOW.

--SUCH DRASTIC ACTION BY SOVIET MILITIA AT THE VERY DOORS OF THE US EMBASSY REPRESENTS A STEP BACKWARD IN TERMS OF CONTACTS BETWEEN SOVIET CITIZENS AND EMBASSY. THIS IS NOT IN ACCORD WITH THE AIMS OF THE FINAL ACT OF THE CSCE.

2. IF ASKED, DEPARTMENT SPOKESMAN WILL USE FOLLOWING GUIDANCE: (EMBASSY MAY ALSO USE THIS GUIDANCE TO RESPOND TO QUESTIONS LOCALLY).

Q. ANY COMMENT ON THE ARRESTS OF TWO CITIZENS IN FRONT OF THE AMERICAN EMBASSY?

A. I CAN CONFIRM THAT AT APPROXIMATELY 5:00 P.M. ON FEBRUARY 28, TWO SOVIET CITIZENS, WHO EARLIER HAD ASKED TO COME TO THE EMBASSY'S CONSULAR SECTION, WERE PICKED UP IN FRONT OF THE EMBASSY BUILDING WHILE ACCOMPANIED BY AN AMERICAN CONSULAR OFFICER. WE CONSIDER A REQUEST TO SEE A CONSULAR OFFICER COMPLETELY LEGITIMATE AND WE ARE PROTESTING TO THE SOVIET MINISTRY OF FOREIGN AFFAIRS IN MOSCOW THE UNWARRANTED ACTION TAKEN BY THE SOVIET AUTHORITIES.

Q. IS THIS A VIOLATION OF THE HELSINKI FINAL ACT?

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A. SUCH CONTACTS BETWEEN CITIZENS OF A COUNTRY AND FOREIGN EMBASSIES IN THAT COUNTRY ARE IN ACCORD WITH THE FINAL ACT.

Q. DID THE SOVIETS CONSIDER THIS SOME KIND OF SECRET MEETING AND THEREFORE UNLAWFUL?

A. FROM OUR STANDPOINT THERE WAS NOTHING CLANDESTINE OR ILLICIT ABOUT THE REQUEST TO COME IN AND TALK TO OUR OFFICERS. THE FACT THAT ONE OF OUR OFFICERS WENT OUT TO MEET THEM SHOULD LEAVE NO DOUBT ON THAT POINT.

Q. WHAT DID THE SOVIET CITIZENS INVOLVED WANT TO TALK ABOUT?

A. IT WOULDN'T BE APPROPRIATE FOR ME TO COMMENT ON THAT SINCE THE MEETING WAS NOT ALLOWED TO TAKE PLACE.

Q. DON'T THE SOVIETS HAVE THE RIGHT TO SAY WHO GOES INTO THE EMBASSY?

-

A.

--- I WOULD POINT OUT THAT THE SOVIET EMBASSY HERE HAS A BROAD VARIETY OF CONTACTS IN US SOCIETY. WE FEEL STRONGLY THAT THE SAME RIGHT SHOULD PERTAIN TO OUR EMBASSY IN MOSCOW.

3. IF STORY BREAKS THAT FAYN WANTED TO COME IN TO TALK ABOUT SOVIET CSCE VIOLATIONS, WE PLAN TO USE FOLLOWING GUIDANCE:

Q. IS IT TRUE THAT THE SOVIET CITIZENS INVOLVED WANTED TO TALK TO THE EMBASSY ABOUT SOVIET CSCE VIOLATIONS?

A. YES, I CAN CONFIRM THAT THAT IS THE CASE.  
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Q. DO YOU CONSIDER IT THEIR RIGHT TO DO SO?

A. WE BELIEVE THE CITIZENS OF ALL CSCE COUNTRIES SHOULD BE ABLE TO EXPRESS THEIR VIEWS ABOUT THEIR OR OTHER COUNTRIES' COMPLIANCE WITH THE PROVISIONS OF THE CSCE.  
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\*\*\* Current Handling Restrictions \*\*\* n/a

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